

Lewis County Planning Commission *Public Hearing*

Lewis County Courthouse
Commissioners' Hearing Room - 2nd Floor
351 NW North St - Chehalis, WA

February 23, 2016 - Meeting Notes

Planning Commissioners Present: Russ Prior, District 3; Jeff Millman, District 2; Sue Rosbach, District 2; Mike Mahoney, District 1; Bob Whannel, District 3; Stephen Hueffed, District 2; Leslie Myers, District 1

Staff Present: Lee Napier, Community Development Director; Danette York, Public Health Director; Eric Eisenberg, Prosecuting Attorney's Office; Bill Teitzel, Code Enforcement Supervisor; Fred Evander, Senior Long Range Planner; Brianna Teitzel; Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes
- Staff Report re: Kennel Code 17.42.030
- Proposed Changes to Kennel Code
- Staff Report re: LCC 17.42
- Proposed Changes to Administrative Code

1. Call to Order

Chairman Mahoney called the meeting to order at 6:03 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

There were no changes to the agenda and it was approved as presented.

3. Approval of Meeting Notes

There were no changes or corrections to the meeting notes of February 9, 2016; they were approved as presented.

4. Old Business

A. Public Hearing: Animal Kennel, Shelter, Boarding, Grooming and Hospital Standards
Chair Mahoney opened the public hearing at 6:06 p.m. and recognized Mr. Eisenberg.

Mr. Eisenberg stated the County is looking at an operating permit requirement for dog kennels. The permit is being handled through the Public Health department and will ultimately go before the Board of County Commissioners. While reviewing the code it was discovered that the code treated dog kennels in two different positions in the zoning code and it appeared to be unintentional. The code used two different terms in two different places and it appeared that dog kennels were not permitted in certain

areas and animal hospitals and boarding facilities were permitted in other areas but not in areas where the term “kennels” was used.

The purpose of the public hearing is to discuss proposed changes that would make the term uniform in the different places where it appears in the code. The term would be “Animal kennels, shelters, boarding, grooming and animal hospitals” and it would further clarify that that is a permitted use in all of the locations in the county where they were previously allowed – RDD zones (Rural Development Districts) and LAMIRDs (Local Areas of More Intense Rural Development). The tables in the handout are existing code and only the terms are being changed. There is substantive change in which certain areas requiring a special use permit now can do an administrative review, which is a less rigorous review process.

The proposed changes make the code clearer and slightly increases the chance for a member of the community to be allowed to have one of these facilities. It is separate from whether a permit will be required for such facilities, which is being worked on as previously stated.

Mr. Eisenberg asked for questions. Commissioner Prior stated during Mr. Eisenberg’s testimony he used the word “grooming” which is not included in the Letter of Transmittal. Mr. Evander stated the word was inadvertently left out of the Letter of Transmittal.

There were no other questions and Chair Mahoney opened the public testimony portion of the hearing.

Mr. Eisenberg stated he wished to have his comments during the public hearing to be entered as part of the record. As a member of the public, he asked the Planning Commissioners to recommend to the BOCC that these changes be accepted. He believed the changes to be fair because they would not prevent any member of the public from having any of the listed facilities. The changes made it slightly easier for the public and they make the code clearer, and they correct a drafting error currently in the code.

Chair Mahoney stated written testimony is always accepted as part of the record. He asked if any written testimony had been received. He was informed that there had not and he therefore did not see any need to keep the hearing open for written testimony. He closed the public hearing at 6:16 and moved to a workshop.

Chair Mahoney asked if the proposed changes would be attached to the Letter of Transmittal so that that language is what is recommended. Ms. Napier stated the Planning Commission will take action on the code changes and will make a recommendation to the BOCC which is the basis for the Letter of Transmittal. If the recommendation is to approve, the Letter of Transmittal will be signed and the code text will be going to the BOCC. The changes will become an ordinance.

Commissioner Prior referred to the Letter of Transmittal. Item 5 has a typographical error – it should read Community Development. He also suggested that in Item 4 the word “somewhat” be deleted. He also wanted to ensure that “grooming” was included in the opening line.

Ms. Napier stated Public Health is conducting its outreach on the permitting process and a joint meeting with Public Health and Community Development will be held with the BOCC. If a decision is reached the

decision will be transmitted to the BOCC and they will be asked to hold off in setting a public hearing until Public Health has completed its review so there can be a joint hearing.

Chair Mahoney entertained a motion to forward the Letter of Transmittal (with corrections) to the BOCC. Commissioner Rosbach made the motion; Commissioner Myers seconded. The motion passed unanimously.

B. Review of Administrative Code to Streamline Permit Process

Mr. Evander stated staff looked at the code to try to determine how to streamline the permitting process. That would cause many changes throughout the code so staff went through all of Titles 16 and 17 and wherever administration of a permit, appeals of a permit, special use processes, etc. are duplicated the code will be streamlined to have those processes grouped together.

Mr. Evander summarized the proposed changes. One change is that all variances will be included in Chapter 17.162 (page 129 in handout) rather than have a variance for each type of application. There are also many notification provisions in the resource land sections, as well as in special use provisions. The notice provisions should also be in just one place, which is Section 17.40, page 42 of the handout. Staff is proposing to take the Right to Farm chapter and call it the Right to Farm, Mine and Harvest, so all of the various notice requirements and preferential treatment to mine and farm will be put in one place.

Mr. Evander stated currently a recorded covenant is required for anything that is done near farm or forest lands. Staff feels that is unnecessarily burdensome on some people and it is not required in State law. Staff is proposing (b) on page 43. Chair Mahoney suggested that notification of lands within 500 feet of any resource land be the same. Any of the resource practices can have nuisance issues.

Mr. Eisenberg asked when someone records a covenant that notice is not designed for the person recording the covenant, but is designed to provide notice to everyone in the future who might buy the property and become aware of the conditions. If the notice is part of the permitting process, how will that work? If he builds a building near a resource land and as part of the permitting process this notice is included, and then he sells the house to another person, that person does not have to obtain a permit. How is the future purchaser going to get notice that he is near [resource] land?

Chair Mahoney stated that would become part of the records for that property. Commissioner Prior did not believe that it would show up in a title search. Discussion followed and Mr. Evander stated he would do some research.

Mr. Evander continued with page 25 where he struck the sentences where fees would be waived for property owners submitting a request for re-designation. This fee waiver was done at one time but has since been rescinded by the BOCC.

Mr. Evander referred to the table on page 54 that mentions subareas. The county does not have subareas so that language is being removed.

Page 59 is the Packwood Airport Obstruction Zoning. These same sections are for all of the airports in the county and they are nearly identical. There is a new chapter that would group all of those together. Mr. Evander provided a handout showing those changes.

Commissioner Prior spoke to the elevations of each airport. He asked what the datum is and if it is consistent. He thought it should be specified. Mr. Evander stated if there is no datum in this proposal then there is no datum in the code currently.

Mr. Evander stated all of the variances referred to in this chapter have been moved to the variance chapter, which is on page 64.

Commissioner Prior questioned the word “re-evaluate” on page 13, Section 17.30.380. Mr. Evander stated there are no proposed changes to this language. Staff is trying to eliminate redundancy. Commissioner Prior stated he understood that but he didn’t know when changes would occur again. Mr. Evander is not in favor of a comprehensive code change; incremental changes are easier to manage.

Commissioner Prior referred to page 42, Chapter 17.40. Whenever they are grouped, he asked that the resource lands are in the same order. He would like to see the order as “Agricultural, Forest, and Mining.” There was discussion about the proper word for Forest/Harvest.

Mr. Evander stated the goal is to look at the code changes at the next meeting and asked the Commissioners to review the documents they have received so far. He would like to schedule a public hearing in April. Commissioner Rosbach asked for a clean copy of the code.

5. New Business

There was no new business.

6. Calendar

The next meeting is scheduled for March 8, 2016, a public hearing on the Open Space Applications, and continued review of the administrative code. Mr. Evander explained the matrix showing the meeting dates and topics for the Planning Commission for 2016.

7. Good of the Order

No one wished to speak.

8. Adjourn

The business before the Planning Commission concluded and the meeting adjourned at 7:18 p.m.